

January 14, 2020

Mr. Bob Capalongo RLA
CNA, LLC
1630 Robin Circle
Forest Hill, Maryland 21050

Re: Priority One Frankel Acura
Forest Buffer Variance
Tracking # 03-19-3110

Dear Mr. Capalongo:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains has been received by this Department of Environmental Protection and Sustainability (EPS) on December 3, 2019. If granted, the variance would allow approximately 30,000 square feet (sf) of the Forest Buffer required under current law to be impacted in order to expand the parking lot for the dealership, convert a storm water management (SWM) pond to an underground facility, including construction of its suitable outfall, and provide compensatory floodplain storage for the loss of floodplain volume attributed to the proposed expansion. Included in this total impact are 622 sf of the 50-foot stream buffer shown on the CRG plan from which this car dealership was developed as well as 7,770 sf of permanent impact to the 100-year floodplain for the parking lot expansion, most of which is over the existing SWM pond. The remaining impacted area consists of the temporarily impacted 100-year floodplain associated with the compensatory floodplain storage, which would be reforested. The 100-year floodplain and stream buffer are associated with Parks Run, a Use III-P tributary to Beaver Dam Run.

The parking lot expansion with which these impacts are associated is needed at this long-standing automobile dealership to both store and offer additional inventory onsite. Furthermore, the location is immediately adjacent to York Road, offering a visible location for both traffic safety as well as consumer attention goals. As previously stated, the area for parking lot expansion is currently a SWM pond that was constructed partially within the 100-year floodplain in the early 1980s. This existing SWM basin would be converted to underground pipe storage and treatment so that its footprint, much of which is in area that would be Forest Buffer under current law, may be used to accommodate the proposed parking expansion. The applicant proposes to utilize a retaining wall as a way of further limiting impacts to forested riparian buffer and water quality while

maximizing parking area. Lastly, the loss of floodplain volume associated with the project will be compensated by increasing floodplain storage in forested riparian buffer elsewhere on the property as previously indicated.

This Department has reviewed your request, and has determined that a practical difficulty exists in that the site was developed prior to the current Forest Buffer Law, thus limiting any options for site improvement that would avoid impacts to that stream buffer. Furthermore, we find that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures both on and offsite. Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. Temporarily impacted, 100-year floodplain shall be reforested with native species of canopy trees within one year of grading permit issuance. Trees shall be native deciduous species, a minimum 1-inch caliper and planted at a density of 200 stems per acre using the guidance found in the Baltimore County Forest Conservation Technical Manual.
2. Permanent impacts to the 50-foot stream buffer shall be mitigated by planting 622 square feet, a 1:1 ratio, at an EPS-approved offsite location which shall be protected in a Forest Buffer Easement. Should your client not have access to offsite planting area, we have enclosed a planting bank authorization letter for their use and convenience.
3. A Forest Buffer Easement and its associated Declaration of Protective Covenants shall be recorded in the Land Records of Baltimore County by July 14, 2020 via right-of-way plat. The Forest Buffer Easement may be reduced from that required in Section 33-3-111 of the Forest Buffer Law in order to accommodate the existing car dealership's development footprint, including this expansion; however, it shall exceed the 50 foot stream buffer and encompass all wetlands and remaining 100-year floodplain onsite. The right of way plat may also be used to record or revise any SWM Easement.
4. The Forest Buffer Easement, as shown on the aforementioned right of way plat, shall be permanently posted at 100-foot intervals and significant turning points with "Forest Buffer - Do Not Disturb" signs to clearly identify the Forest Buffer Easement limit. These signs, which are available from private sign contractors, shall be installed and subsequently inspected and approved by EPS staff by January 14, 2021.
5. A final Forest Buffer Protection Plan (FBPP) detailing onsite restoration as well as the executed mitigation bank letter, shall be submitted to and approved by EPS

- staff prior to Environmental Agreement approval. However, the requirement of a FBPP security has been waived in accordance with earlier agreements.
6. Prior to issuance of any Baltimore County permit, blaze orange high visibility fence shall be installed along the limit of disturbance (LOD), wherever it is within 50 feet of protected resources. This protective fence shall be illustrated on the plan view and mentioned in the sequence of operations on both the sediment control plans and the final FBPP.
 7. The following notes must appear on all plans submitted for this project:
 - “A variance was granted on January 14, 2019 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Conditions were placed on this variance to reduce water quality impacts, including on and offsite planting as well as posting of the remaining stream buffer.”
 - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
 - “Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of this area.”
 8. All State and Federal permits to impact waterways, wetlands and 100-year floodplain shall be obtained prior to issuance of any County permits entailing such impacts.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the property owner sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL:msk

Enclosure

c. Mr. Mark Cohen, Property Owner

I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner _____ Date _____

Property Owner	Date
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Printed Name _____

Printed Name _____